



Pinellas Suncoast Fire & Rescue

304 FIRST STREET
INDIAN ROCKS BEACH, FLORIDA 33785-2508

Date Posted: February 14, 2017

(727) 595-1117 FAX: (727) 595-5879
www.psfrd.org

FIRE CHIEF
SALVATORE A. D'ANGELO III

MEETING NOTICE

February 21, 2017, 7:00 pm

INDIAN SHORES MUNICIPAL CENTER
19305 GULF BLVD., 4TH FLOOR, INDIAN SHORES, FL 33785

AGENDA

WORKSHOP MEETING

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE

ROLL CALL

ADDITIONS OR DELETIONS TO AGENDA:

DISCUSSION ITEMS:

ADJOURNMENT

REGULAR MEETING

MEETING CALLED TO ORDER

ADDITIONS OR DELETIONS TO AGENDA:

MONTHLY BUSINESS:

1. Approval of Minutes: January 17, 2017, Workshop and Regular Meetings
2. Treasurer's Report: January, 2017
3. Correspondence

REMARKS FROM THE AUDIENCE: *Citizens comments on any agenda or non-agenda item(s) will include the name and locale of the speaker and will be limited to 3 minutes.*

REPORTS:

1. COMMISSION
2. ATTORNEY
3. FIRE CHIEF

ACTION ITEMS:

17-03	Commissioner By-laws Revision	Fire Chief
17-04	Impact Fees (Resolution 2017-02) First Reading	Fire Chief

ADJOURNMENT

NEXT MEETING: Workshop & Regular Meeting March 21, 2017, 7:00 p.m., to be held at the Indian Shores Municipal Building, 4th Floor.

**Pinellas Suncoast Fire & Rescue District
Board of Fire Commissioners**

Public Meeting Information

Requirements for Appeal

Persons are advised that if they wish to appeal any decision made at a meeting/hearing, they will need a record of the proceedings; and for such purpose, they may need to insure that a verbatim transcript of the meeting is made, which record includes the testimony and evidence upon which the appeal is made.

It is not the responsibility of the Secretary to provide the above-referenced verbatim record. The Secretary will provide an audio recording of the meeting, upon request and payment for the materials used for the recording.

Public Comments

Persons wishing to speak will complete a Citizen Comment Request card at the entrance of the meeting room and submit the card to the Secretary to the Board. When recognized by the Chair and called to the podium, speakers will give their name and address for the record.

Persons may speak on an agenda item when the Board has finished their discussion on that item and prior to the vote. To speak on a non-agenda item, speakers will be called during the "Remarks from the Audience" section of the agenda.

Accommodations

Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact Pinellas Suncoast Fire & Rescue District Administration at (727) 595-1117 ext. 100.

RESOLUTION 2017-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT REVISING THE PREVIOUSLY ESTABLISHED IMPACT FEE PURSUANT TO THE CHARTER OF THE DISTRICT AND SETTING RATES AND CHARGES FOR SAME AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas Suncoast Fire & Rescue District is an independent fire district under Chapter 191 of the Florida Statutes; and,

WHEREAS, Florida Statutes 191.009(4) authorizes the Pinellas Suncoast Fire & Rescue District to establish a schedule of impact fees on all new construction within the geographical boundaries of the District to pay for the cost of new facilities and equipment; and,

WHEREAS, the Board of Commissioners of the Pinellas Suncoast Fire & Rescue District has previously established a schedule of impact fees; and,

WHEREAS, the Pinellas Suncoast Fire & Rescue District continues to experience growth and development within its boundaries, creating a proportionate additional burden on its assets and requires the District to expend funds on capital assets in a proportionate amount to service new construction; and,

WHEREAS, the District has undertaken studies and formal audits to review its existing impact fees, and has determined a new, decreased rate to fairly assess new construction to address the additional burdens on existing District assets created by the new construction; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT;

SECTION 1. The Pinellas Suncoast Fire & Rescue District shall implement the imposition and collection of the decreased impact fee in accordance with all applicable law and in accordance with its provisions of its Charter and in accordance with this Resolution and shall retain and expend all funds so collected in a manner consistent with all applicable law and its Charter.

SECTION 2. The impact fee shall be assessed and collected and in such amounts as are set out in Schedule A to this Resolution as if fully set forth in this section.

SECTION 3. If any part of sub-part of this resolution is declared void or unenforceable by any court of competent jurisdiction, all remaining parts of this resolution not so affected shall remain in full force and effect.

SECTION 4. This resolution shall be effective when adopted and shall remain in full force and effect until supplemented, amended, modified, repealed, discontinued, or otherwise altered.

PASSED AND ADOPTED on the 21st day of March, 2017.

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

Board of Commissioners:

ATTEST:

Joseph V. Bruni, Chair

Lawrence G. Schear, Secretary/Treasurer

SCHEDULE A

Resolution 2017-02

1. Effective Date:

This impact fee shall become effective on the date set forth in the Resolution adopting same.

2. Fee Schedule:

- A. Single-story developments will be assessed at a rate of \$0.50 per square foot.
- B. Multi-story developments will be assessed at a rate of \$0.63 per square foot.
- C. The fee shall be charged and collected for all new construction under roof without regard as to whether the space is heated or cooled and without regard to the existence of walls.
- D. The fee shall be imposed upon all new construction located within the boundaries of the Pinellas Suncoast Fire & Rescue District, including additions to existing structures and including all covered parking or other covered structures.

3. Credits:

Credit shall be given for any existing square footage (as indicated on the Tax Assessor's records or as shown on the demolition permit) that is replaced by new construction. The square footage of the existing construction shall be subtracted from the square footage of the new construction according to the fee schedule.

4. Time of Collection, Late Payments, and Interest:

- A. Within 10 days of making application for a new construction building permit, the owner or developer of the real property shall submit the building plans to the District for determination of the amount of the impact fee.
- B. The District shall endeavor to issue an impact fee invoice to the person or entity making the plan submission (also referred to herein as "Fee Payer") within 10 days of receipt of the submission. Failure of the District to issue the impact fee invoice to the Fee Payer within the time limit set forth herein shall not bar the right of the District to otherwise enforce the provisions of this Resolution.
- C. A copy of the impact fee invoice will be provided by the District to the County or City Building Department affected by the new construction. Said Building Department shall not issue a Certificate of Occupancy until notice of the payment of the impact fee has been provided to the Building Department by the Fee Payer. It is expected that this notice shall be a copy of the receipt issued by the District.
- D. The Fee Payer shall make payment in full of the impact fee to the District. The impact fee shall be paid within 30 days of the date of the invoice issued by the District. Upon receipt of full payment of the impact fee, the District shall issue to the Fee Payer a receipt showing the impact fee has been paid in full.
- E. Interest shall accrue on any unpaid impact fee at the rate of 1% per month until paid.
- F. The District shall retain the right to waive all or part of any accrued interest at its sole discretion.

5. "As Built" Inspections, Errors, and Misrepresentations:

- A. Upon completion of the new construction, the District shall undertake an inspection of the new construction. If the District, in its sole discretion, determines that the impact fee was calculated and paid based on error of either party or misrepresentation, or finds that the "as built" new construction is not consistent with the plans that were submitted to the District for computation of the impact fee, the impact fee shall be re-calculated by the District.
 - a. If the correct amount based on the "as built" construction is found to be less than the impact fee that was originally computed, the difference shall be refunded to the original Fee Payer. In such event, the Fee Payer shall not be entitled to recover interest.
 - b. If it is found based on the "as built" construction that an additional impact fee is owed, the Fee Payer shall pay the additional amount owed within five business days of the date of the amended impact fee invoice.
- B. Failure of the Fee Payer to pay the additional impact fee owed on a timely basis shall provide a basis for the District to cause the Certificate of Occupancy to be revoked without further notice to the owner and/or developer of the real property and shall also provide a basis for the District to bring any action permitted by law or equity to collect unpaid impact fees.

6. Attorney's Fees and Costs:

In the event the District brings an action to revoke the Certificate of Occupancy and/or institutes legal action to collect any unpaid impact fee due hereunder, the prevailing party shall be entitled to recover all reasonable attorney's fees and costs incurred in such action, including any and all such amounts incurred in any appeal proceeding.

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

BOARD OF COMMISSIONERS BY-LAWS

PREAMBLE

These By-Laws are created in accordance with all applicable law. These By-Laws shall be interpreted to be in accordance with all applicable law. In the event any part of these By-Laws is determined to be not in accordance with applicable Florida or Federal Law, the remaining parts of these By-Laws shall remain in full force and effect.

ARTICLE I - NAME

The name of this organization is and shall be: *Pinellas Suncoast Fire & Rescue District*. Throughout this document the organization shall be referred to by its full name or by use of the terms "The District," "the District," or "PSFRD."

ARTICLE II – ENABLING and CONSTITUTING AUTHORITY

Section 1. **Constituting Authority:** The Enabling and Constituting Authority for the District is Chapter 2000-436, House Bill 1603, Laws of the State of Florida, Chapters 189 and 191, Florida Statutes, as amended from time to time, and hereinafter referred to as "The Act." In the event The Act or any other enabling authority is amended or changed, this document shall be considered amended as necessary to remain consistent with the new enabling authority.

Section 2. **Operating Authority:** The Board of Commissioners is the head of the Fire Department. Pursuant to, as is otherwise defined by, the Enabling and Constituting Authority and all other applicable law, The Board has the power to supervise, control, regulate and manage the Department and enforce all necessary and desirable rules and regulations. The Board is authorized to make contracts, borrow money, levy assessments and collect same, build necessary facilities, acquire firefighting equipment, hire a Fire Chief, Fire Marshal and such other personnel as are required to operate the firefighting equipment; to inspect property or provide administrative support. The Board shall adopt a fire code for the District and such rules and regulations as it deems necessary to transact its business and carry out the provisions of The Act and to operate within the scope of all other applicable law.

ARTICLE III - LOCATION

Section 1. **Headquarters:** Headquarters for the Commission shall be in the offices of the Pinellas Suncoast Fire & Rescue District, located at 304 First Street, in the city of Indian Rocks Beach, Florida. The Board shall have the authority to authorize relocation of the headquarters as The Board determines is necessary for the operation of the affairs of the Pinellas Suncoast Fire & Rescue District.

Section 2. **Additional Locations:** The District shall be authorized to locate, operate and maintain stations, offices, or other physical plants in any location allowed by law and deemed necessary by The Board of Fire Commissioners.

ARTICLE IV – THE COMMISSIONERS

The Board of Commissioners shall be comprised of five registered voters. The District shall be divided into sub-districts in the following manner. There shall be one each from the following locations:

<u>SEAT NUMBER</u>	<u>LOCATION OF SUB-DISTRICT</u>
Seat 1.	<i>Indian Shores</i>
Seat 2.	<i>Indian Rocks Beach</i>
Seat 3.	<i>Belleair Beach/Belleair Shore</i>
Seats 4 and 5.	<i>Mainland Area</i>

Note: The Seat Numbers have been assigned for ease of reference.

Section 1. **Elections:** **Elections:** All Elections shall be held in accordance with The Act and all other applicable law. Each Commissioner shall be elected to serve for a term of four years by a majority vote of the electors voting to fill such office. Elections for Commissioner shall be held at the same time as regular county elections. Any Commissioner may succeed himself/herself. Terms shall commence in November following the election or as otherwise directed by The Act or other applicable law. One Commissioner, who must be a resident of a sub-district, shall be elected from that sub-district by the electors who reside in that sub-district. If a Commissioner ceases to reside in the sub-district from which elected, the office shall be declared vacant; the Commissioner shall be disqualified from further service; and the remaining Commissioners shall elect, to fill the unexpired term, a successor who resides in that sub-district until the next general election at which time an election shall be held to fill the vacancy for the remaining term, if any, provided, however, no current Commissioner's seat shall be declared vacant because of residency until the current term of office has expired.

Term: Each Commissioner shall hold office until his or her successor is elected and qualified, unless he or she ceases to be qualified, resigns, or is removed from office.

Compliance With Applicable Law: Each Commissioner shall comply with all applicable law regarding eligibility for office.

Section 2. **Filling of Vacancies:** Vacancies on the Board shall be filled by appointment by the remaining members of said Board. Candidate(s) to fill the unexpired term(s) shall be selected from the same district represented by the vacating Commissioner. All such vacancies shall be filled as expeditiously as possible,

preferably within sixty (60) days from the receipt of the vacating Commissioner's notice of resignation or other causes.

Section 3. **Bonding**: All Commissioners shall be required to post a surety bond in accordance with the terms of Chapter 191, Florida Statutes, with all premiums to be paid for by the District.

Section 4. **Oath of Office**: All Commissioners shall be required to take an Oath of Office prior to assuming their duties on the Board.

Section 5. **References to The Board of Fire Commissioners**: As used herein, the terms "The Board," "the Board," "The Board of Commissioners," "Commissioner(s)" shall mean "The Board of Fire Commissioners."

ARTICLE V - PURPOSE

The purpose of this organization is to provide residents of the Pinellas Suncoast Fire & Rescue District with the best and most cost-effective emergency medical, public education, prevention, code enforcement and fire suppression services possible commensurate with Fair Labor practices as set forth under The Act.

ARTICLE VI - DUTIES AND RESPONSIBILITIES

The Board of Commissioners shall have the overall responsibility and authority for overseeing the operation of the Fire Department and for insuring that its mission and purpose as set forth in The Act are properly carried out. The Fire Chief and his delegates shall endeavor to make The Board of Commissioners aware of any and all needs of the Pinellas Suncoast Fire & Rescue District and shall work closely with the Fire Chief in providing the support and resources to fulfill the needs as required. The Board of Commissioners shall adopt rules for its own operation as well as record keeping, providing all required reports and sufficient staff to carry out its duties and responsibilities. To the extent determined by the Board to be necessary, the Board of Commissioners shall maintain a liaison with all municipal, county and state offices.

ARTICLE VII - OFFICERS

At the first regular convened meeting of The Board in November of each calendar year, the then-sitting Chair of the Board, or the designee of the Chair, shall swear in each new member of The Board or, in the case of a member of The Board being re-elected to a successive term, each re-elected member of The Board. The Board shall then, immediately following the swearing in ceremony, shall elect the following Officers:

1. Chair;
2. Vice-Chair;
3. Secretary/Treasurer.

Each Officer shall serve until the next election of Officers or until replaced or resigned.

The duties of said Officers shall be as follows:

Chair - Shall preside at all meetings of The Board of Commissioners and shall serve as coordinator of that body's general activities. The Chair shall maintain liaison with the Fire Department Administration, sign routine documents, and keep other members of the Board advised of items of general concern. The Chair shall oversee the creation of meeting agendas and shall oversee the notification and notice process to try to ensure that all meetings are properly noticed in accordance with all applicable law. The Chair shall have the authority to appoint committees and sub-committees (and to designate Chairs for each) as the Chair deems necessary and the Chair shall perform such other duties usually pertaining to, vested in, and incumbent upon like officers.

Vice-Chair - Shall preside at all meetings in place of the Chair and shall perform such other of his/her duties that may arise in the Chair's absence.

Secretary/Treasurer - Shall coordinate the Commission's correspondence and ascertain that it is processed to the proper party for action when required. The Secretary/Treasurer shall also be current on the District's financial status, work with the District Administration on the annual budget, assist in obtaining financing of capital expenditures, and work with the Commission's financial advisor when required. He/she shall make a report on revenues, expenses and the District's financial status at each regular monthly meeting.

ARTICLE VIII - COMPENSATION

The Board of Commissioners will be paid a monthly stipend each month for their services. The amount of the stipend shall be set forth by resolution. To the extent allowed by law, reasonable expenses incurred by members of The Board of Commissioners in execution of their official duties may be authorized for payment or reimbursement from funds of the Pinellas Suncoast Fire & Rescue District.

ARTICLE IX - MEETINGS

Section 1. **Work Sessions and Regular Monthly Voting Meetings:**

Work Sessions: Work sessions for The Board of Commissioners will be held by The Board of Commissioners on the third Tuesday of each month at 7:00 p.m., except that said date may be changed by agreement of a majority of the commissioners, and duly noticed as required by applicable Florida or Federal law by publication in a newspaper of general paid circulation in Pinellas County seven (7) days prior to such meeting. These are informal meetings held for the purpose of discussion and investigation of issues only and no official action can be taken.

Regular Monthly Voting Meetings: Regular Monthly Voting Meetings will be held by The Board of Commissioners on the third Tuesday of each month

beginning immediately after the Work Session scheduled for that month. In the event that no Work Session is scheduled, the Regular Monthly Voting Meeting will begin at 7:00 p.m. The District reserves the right to change the date of The Regular Monthly Voting Meeting by agreement of a majority of the commissioners, and the change shall be duly noticed as set forth in Section 189.417(1), Florida Statutes (and/or any then applicable Florida or Federal law) by publication in a newspaper of general paid circulation in Pinellas County at least seven (7) days prior to such meeting. All meetings of the Board shall be open to the public consistent with all applicable law.

Section 2. **Special Meetings:**

Special meetings may be held by the Board of Commissioners at any time agreeable to that body to resolve issues that must be resolved prior to the next regular meeting, provided that the District complies with all applicable law in giving notice of such special meetings.

Section 3. **Emergency Meetings:**

Emergency meetings may be held by the Board of Commissioners to consider matters of such urgency that they must be resolved before a regular meeting, or before the seven (7) day waiting period required for special meetings. The agenda for such meetings must be restricted solely to the item(s) considered to be of emergency nature. The District shall comply with all applicable law regarding notice for, and operation of, emergency meetings.

Section 5. **Open Meeting Policy:**

All meetings of The Board of Commissioners shall be held in accordance with the provision of the Florida Open Government Laws (Section 283.011, Florida Statutes and Chapter 119, Florida Statutes and all other applicable law) and are open to the public. All reasonable efforts shall be made by the District to ensure that all meeting places are accessible to all members of the public that wish to attend and that all necessary notice requirements regarding change of location (when applicable) are met.

Section 6. **Notification of Meetings:**

The District shall comply with all applicable law regarding giving notice of meetings to the general public. A schedule of the Board's scheduled regular monthly voting meetings and work sessions shall be filed annually with the Board of County Commissioners. The schedule shall include the date, time and location of each scheduled meeting. The special meetings will be advertised in a local publication as required by applicable law. Emergency meetings and work sessions must also be posted as required by Florida law. A schedule of the Board's workshop and regular meetings for the fiscal year will be advertised in a

newspaper of general circulation seven (7) days prior to the first scheduled meeting in the new fiscal year. Any actions undertaken at any meeting shall not be considered invalid in the event notice of the meeting was provided in lawful manner under Florida law but the notice of the meeting failed to adhere to the notice procedure set out in these By-Laws.

Section 7. **Place of Meetings:**

All meetings of The Board of Commissioners shall be held in a place that is accessible to the public. Each meeting of the Board of Directors will normally be held in a space provided for meetings in the District's Administration building in the Commission Meeting Room, located at Station 27 (304 First Street, Indian Rocks Beach, Florida). However, at the discretion of the Board, any meeting of the Board of Directors may be held in any other *suitable and lawful location* provided that all members and the public are properly notified in accordance with all applicable law.

Section 8. **Quorum:**

A majority of the members of The Board of Commissioners shall constitute a quorum for the purpose of transacting business at any duly called meeting.

Section 9. **Procedures for Commission Meetings:**

Rules of Order: Except where otherwise provided for in the laws of the State of Florida, all commission meetings will be conducted in general and informal accordance with *Roberts Rules of Order* as amended from time-to-time. However, no action of the Board shall be invalid for failure to maintain strict adherence to *Roberts Rules of Order*. In the event of any question as to the application of said Rules of Order, the decision of the Chair shall be final.

Voting: All voting by the Commissioners shall be done by voice or ballot. The ballot shall be signed by each Commissioner voting and open to the public for inspection. All members of The Board of Commissioners that are present at a voting meeting must vote on each issue or agenda item that is put to a vote unless a conflict of interest exists under Florida state laws or unless a member of The Board of Commissioners is otherwise prohibited from or unable to vote on an issue due to a conflict of interest.

ARTICLE X - COMMITTEES

Committees may be appointed by the Chair from time to time to do research and report on special projects or problems. Each such committee shall have a member of the Board of Commissioners. When standing committees are created, all members thereof shall be members of The Board of Commissioners.

ARTICLE XI – THE FIRE CHIEF

The Board of Commissioners shall hire a Fire Chief to serve as the administrative head of the District. As such, the Fire Chief shall be responsible for all personnel. The Chief shall conduct his/her administration in accordance with a specific set of RULES AND REGULATIONS approved by the Commission and within the policy framework established by the Board. The Chief shall keep the Board apprised of all non-routine matters that may arise and maintain a close liaison with its members. The Chief shall also prepare the preliminary annual budget for the approval of the Board, and provide such counsel and assistance as it may require from time to time.

ARTICLE XII - THE STAFF

The Board of Commissioners shall provide financial support for the administrative head to acquire and staff members to operate all facets of the District's business.

- A. **Administrative Personnel:** Will be hired to serve the administrative head of the Department and perform all necessary activities for the management and operations of the District's business.
- B. **Legal counsel:** One or more attorneys will be retained to ensure the District's compliance with all applicable state laws, authenticate documents as required and attend regular commission meetings and such other meetings as deemed by the Board.
- C. **Accounting personnel:** Will be hired to serve the administrative head of the District and perform all necessary activities pertaining to monetary transactions affecting the management and operation of the District's business.
- D. **Tax Assessor:** Will be hired to serve the administrative head of the District in assessing all properties within the District's boundaries to assist the county in maintaining proper and accurate records for billing and collection purpose in accordance with current agency practices.
- E. **Financial advisor:** At its sole discretion, The Board of Commissioners may hire or retain a financial advisor at any time to assist in any accounting, investments, or expenditure procedures necessary to manage or operate the District's business. The Board of Commissioners is not required to hire or retain a financial advisor.

ARTICLE XIII – STATE and FEDERAL MANDATED REPORTS

The Board of Commissioners shall have the authority to hire or retain such professionals or other persons as are needed to assure that all lawfully required reports on the District's finances and activities are filed with the Pinellas County Board of Commissioners and such other governmental agencies and/or bodies as required by all applicable law.

ARTICLE XIV - FISCAL YEAR

The Pinellas Suncoast Fire & Rescue District's fiscal year shall run from October 1 through September 30.

ARTICLE XV - DURATION

The Pinellas Suncoast Fire & Rescue District and its Board of Commissioners shall remain in operation until replaced by legislative process or other lawful command.

ARTICLE XVI - AMENDMENTS

These By-Laws may be amended by a simple majority vote of the Board at any regular or special meeting thereof, provided that the statutory seven (7) day notice has been posted and the meeting is advertised as provided for herein, and provided there is no conflict with existing pertinent law. In the event of such conflict, that portion of the amendment which does not conflict with existing law shall remain in full force and effect and the conflicting passages shall revert to the most recently adopted By Laws that are not in conflict.

Adopted by the Board of Commissioners December 15, 2015